

REMARKS

This Amendment is responsive to the non-final Office Action¹ having a notification date of September 4, 2007. Claims 1-46 were presented and stand rejected. Claims 1, 20, 21 and 40 are independent claims and all are amended. New independent claim 47 is added. No new matter is added and support for the claims can be found in the application as filed. No claims are canceled. Thus, claims 1-47 are pending.

Claims 1-40 and 42-45 are rejected under 35 U.S.C. § 103 (a) as being un-patentable over newly-cited U.S. Patent No. 4,814,988 to Shiotani et al. (hereinafter, "Shiotani") in view of U.S. Patent No. 6,360,237 to Schulz et al. (hereinafter, "Schulz"). Claims 41 and 46 are rejected under 35 U.S.C. § 103(a) as being un-patentable over Shiotani in view of Schulz, and further in view of U.S. Patent No. 6,820,055 to Saindon et al. (hereinafter, "Saindon"). Applicants respectfully traverse these rejections for the following reasons.

Shiotani fails as a teaching reference in this instance. A fundamental failing in Shiotani is derived from its constraint to machine translation (title) while Applicants' claimed subject matter is, quite differently, directed to human language-translation (title, and specification, e.g., ¶s [0004], [0009], [0058], [0063]). This major difference between Shiotani and Applicants' claims is discussed below.

Applicants' disclosure teaches a technique for aiding a human translator in the process of translating a communication from one language which is initially recorded in audio format to another language. Applicants respectfully refer the Examiner to pgs 2-3

¹ The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicants may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicants do not automatically subscribe to, or acquiesce in, any such statement.

of the Remarks in Applicants' previous response in which this is discussed in detail, that portion of those Remarks being directly applicable here.

Shiotani, by contrast, is a machine translation system, wherein a human being is not involved in the actual translating from one language to a different language. At most, a human being is involved in Shiotani in correcting the result of the previously-made translation, which was made by machine, but is not involved in the translating process itself. Applicants respectfully submit that this is an insufficient basis upon which to build a rejection of Applicants' claims.

For example, consider Applicants' claim 1, which is rejected as being unpatentable over Shiotani in view of Schulz. Claim 1 now recites, in part: "receiving translation made by the user of the portion of the audio signal." (emphasis added) In this claim limitation the translation from one human language to another human language is made by the human translator. This claim limitation is not read-on by Shiotani. The Office Action cites column 2, lines 39-41 in Shiotani (O.A. pg 3) against this claim limitation. This section says: "[A translation buffer]...and a correcting means 11 used by the operator to correct the translation result displayed on the CRT are provided." This is merely referring to a mechanism by which an operator can view the "translation result" displayed on a CRT and then make correction, if needed, to that result, where the "translation result" is obviously the previously-translated language, translated by machine.

This is not describing a human translation process by which a human being translates from one human language to a different human language, as claimed. Rather, this is describing a "correcting" process by which a human being can make correction to

a language IN THAT SAME LANGUAGE. Indeed, making any change (e.g., a correction) to words expressed in, e.g., “language A” which remains in “language A” is plainly not a translating process. The fact that the language was previously translated prior to being viewed and corrected by a human operator is irrelevant with respect to this claim element of Applicants’ claim 1. In sum, only a correcting process and not a translating process are disclosed by this section in Shiotani.

The Office Action admits that Shiotani does not disclose having and retrieving a textual representation of an audio signal, obtaining a portion of the audio signal corresponding to the segment of the textual representation, and providing the segment of the textual representation and the portion of the audio signal to the user. (Office Action, page 3) Applicant agrees. The Examiner cites Schulz to allegedly disclose these claim elements missing from Shiotani. Without acquiescing in this application of Schulz, it is noted that Schulz is limited to transcription and does not mention “translating” or “translation” even once, wherefore it is clear that Schulz does not correct for the above-noted deficiency of Shiotani.

Therefore, Schulz and Shiotani, taken individually or in any reasonable combination, do not disclose or suggest all claim elements of claim 1 and, therefore, do not disclose or suggest claim 1. Accordingly, since a prima facie case of obviousness has not been established in accordance with MPEP 2143, the 35 U.S.C § 103(a) rejection of claim 1 based on a combination of Shiotani in view of Schulz should be withdrawn and the claim allowed.

Independent claim 20 is also rejected as being un-patentable over Shiotani in view of Schulz. Claim 20 recites, inter alia, “means for receiving translation made by the

user of the audio signal into a second language.” (emphasis added) This claim is likewise allowable for the reasons given above with respect to claim 1. Accordingly, the 35 U.S.C § 103(a) rejection of claim 20 based on a combination of Shiotani in view of Schulz should be withdrawn and the claim allowed.

Independent claim 21 is also rejected as being un-patentable over Shiotani in view of Schulz. Claim 21 recites, interalia, “receive from the user a translation made by the user of the portion of the audio signal.” (emphasis added) This claim is likewise allowable for the reasons given above with respect to claim 1. Accordingly, the 35 U.S.C § 103(a) rejection of claim 21 based on a combination of Shiotani in view of Schulz should be withdrawn and the claim allowed.

Independent claim 40 is also rejected as being un-patentable over Shiotani in view of Schulz. Claim 40 recites, interalia, “a translation section that receives a translation made by the user of the non-text information into a second language.” (emphasis added) This claim is likewise allowable for the reasons given above with respect to claim 1. Accordingly, the 35 U.S.C § 103(a) rejection of claim 40 based on a combination of Shiotani in view of Schulz should be withdrawn and the claim allowed.

All dependent claims are allowable at least because of their respective dependencies from allowable base claims.

Claims 2-19 are dependent from claim 1 and are allowable, at least for reasons based on their dependency from an allowable base claim.

Claims 22-39 are dependent from claim 21 and are allowable, at least for reasons based on their dependency from an allowable base claim.

Claims 41-46 are dependent from claim 40 and are allowable, at least for reasons based on their dependency from an allowable base claim.

New claim 47 is supportable by the application as filed. Claim 47 is allowable because it conforms to limitations discussed above which make the other pending claims allowable.

Saindon does not cure the aforementioned deficiency of Shiotani. Saindon is constrained to automated (non-human) language translation which was addressed in detail in Applicants' last response. Accordingly, Saindon was withdrawn as principal reference as a result of Applicants' last response.

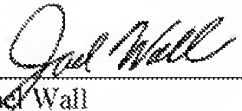
CONCLUSION

In view of the foregoing remarks, reconsideration and allowance are respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,

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